

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAG. ACTION NO. C-10-1035
	§	
RUBEN RODRIGUEZ	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant's criminal history reflects and unbroken string of arrests and convictions for felonies and misdemeanors. He is a regular marihuana user and has several arrests and convictions for DWI and for possession of marihuana. The defendant has had his felony probation and/or supervision revoked several times in the past, demonstrating that he is either unwilling or unable to comply with court-ordered conditions of release. The defendant's recent arrests include a charge of failure to identify—fugitive intent to give false information, and tampering with government records which make him a serious flight risk. He is a poor bond risk.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 19th day of October, 2010.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE